



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2408251

Applicant Name : Prentice Hale

Address of Proposal: 1902 32nd Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the future construction of a 2-story, 1,050 S.F. single-family dwelling-unit with parking in a detached carport.

The following approvals are required:

Variances to allow:

- A carport and parking in the required front yard (SMC 23.44.016),
- A 14 foot curb cut (SMC 23.54.030), and
- A carport in the required front yard exceeding the yard height limit (SMC 23.44.016).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The 5,924 square foot site is located in a Residential Single Family 5000 zone (SF 5000) and on the east side of the street-end of 32nd Avenue South. The site is the last platted lot on the block and abuts the undeveloped hill-side of Colman Park, which lies to the north. The site is 88 percent *steep slope* (5,242 sf) and is also classified as *potential landslide*, both *Environmentally*

Critical Areas. The 32nd Avenue S right of way (ROW) borders the lot's west side but does not provide direct street access to the lot because it is also classified as *steep slope* and consequently undeveloped. Due to the down slope of the area, the nearest corner of the lot to the street end (the southwest property corner) is 13 feet below the street level (Street elevation = 174 feet: southwest corner and property's highest elevation = 161 feet.)

Vicinity

The surrounding neighborhood is zoned SF 5000 and contains a mixture of single-family housing styles, ages and sizes. The surrounding lots generally exceed the minimum required lot size. Because of their time of construction, many structures are non-conforming to current Code and extend into now required front yards.

Proposal Description

The applicant is seeking to construct a 2-story 934 sf single-family residence with an attached 274 sf carport. The site would have street access by a proposed driveway / access bridge extending from the end of existing pavement approximately 36 feet along the ROW to where it will curve to meet the property line. (Conceptual approval of the access bridge in the ROW has been provided by the Seattle Department of Transportation. Final approval is still required.) At the property line, the bridge will continue 1 to 2 feet where it will transition into the carport and the house's main entry. Because the site is 88 percent steep slope, the structure is designed with a concise footprint. It is to be located on the western half of the site and close to the street access in order to disturb no more than the 1,573 sf allowed disturbance area (30 percent of the 88 percent steep slope area). All structures will be elevated above grade and supported by foundation pilings.

Because of the constraints presented by the *steep slope* and lack of developed ROW adjacent to the lot, the applicant proposes to locate the majority of the carport in the required front yard and provide access to it from the elevated bridge in the ROW. They also propose to build a 100 sf utility deck directly beneath the carport. The utility deck will not be accessible from the street. The resulting carport height, as measured to the grade below the entry driveway, will be greater than allowed by Code. Where the access driveway bridge curves to meet the property, the resulting "curb cut", or driveway width will be 14 feet, greater than the Code allowed 10 feet. The project therefore requests Variances from the following Code provisions:

- Allow a carport, parking, and utility deck in the required front yard. The required front yard for this site is the average of the front yards on either side or 20 feet, whichever is less (SMC 23.44.014). The average for this site is 16 feet. The project proposes to have the carport, which is part of the principal structure, to be located within 1 to 2 feet of the street property line and therefore extend 14.5 to 15 feet within the front yard. The utility deck will be located below the carport.
- Allow a 14-foot curb cut. Per SMC 23.54.030, the maximum curb cut shall not exceed 10 feet. Vehicle site access is only available from the proposed access bridge due to the ROW and property steep slopes. To provide adequate maneuvering area for a vehicle the driveway / access-bridge in its 90 degree turn from the ROW to the property line, it must flare to 14 feet.

- Carports allowed in the required front yard because of steep slopes can not exceed a height of 12 feet (SMC 23.44.016). Carport and garage height is measured on the entry façade to the grade below. Because the carport façade will be accessed from the proposed access bridge and the site's steep slope drops perpendicular to the property line, not parallel, the garage will also be elevated above grade 8 feet on one corner and 16 feet on the down slope corner. To lower the garage to grade would create an overly steep and unusable access driveway and still require a variance from this height provision for the down-slope corner of the garage.

Public Comments

The 14-day public comment period ended January 19, 2005. No comments were received.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

This site and surroundings present 2 unusual conditions: on-site topography and the topography of the ROW. The property itself is 88 percent *steep slope*, which severely constrains building within the limitations of the Land Use Code. Secondly, the adjacent ROW is undeveloped, is also *steep slope* and the roadway pavement ends approximately 28 feet to the south of the subject property. These *steep slopes* are naturally occurring and have not been created by the owner or applicant.

The Land Use Code allows the location of garages and parking in down-sloping front yards under certain conditions. However, it specifies that the topography slope downward, or parallel, from the street lot line and that this slope be at least 20 feet in the first 60 feet of lot "as measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line" (SMC 23.44.016.C.4). The property front yard, however, does not slope parallel to the ROW but perpendicular. This Code provision is therefore not applicable to this property, although it is steeply sloped.

Examination of the submitted site survey and proposed site plan show that the site and adjacent ROW topography severely constrain building options of this previously platted lot. The undeveloped and *steep slope* of the ROW make access to the property practically impossible without the construction of an access bridge. To reach the property line and provide adequate maneuvering for a vehicle, this bridge must flare to 14 feet at the property line, thus requiring a Code defined curb cut greater than the allowed 10 width. Once on the property and after already down-sloping from the end of 32nd Avenue S, the driveway is elevated above grade

approximately 8 feet on the corner nearest to the street end and approximately 16 feet of the far corner, resulting in a garage above the Code allowed 12 foot height (SMC 23.44.016.D.2). The utility deck will be located beneath and on the support pilings of the carport and, because of the topography, completely screened from adjacent properties and the ROW. The utility deck serves to give the occupants an additional exterior work area that is otherwise impossible to provide in normal yard or driveway areas due to the slope of the lot.

Strict application of the above Land Use Code provisions would therefore deprive the owner of the rights and privileges to provide access, on-site parking, and have a usable and level outdoor activity area similar to what is allowed by other properties in the same zone and vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The requested variance does not go beyond the minimum necessary to afford relief based on the following findings:

The applicant proposes to construct a single-family structure on the western portion of the lot and close to the ROW because that is the only feasible location to build and gain street access without intruding into more than the allowed 30 percent of the *steep slope* area.

The Code allowance for carports in a front yard of a down-sloping lot is 14 feet in width, 300 sf in area, and 12 feet in height. The proposed carport width is 14 feet. The proposed garage is 284 sf in area. As discussed in *Criterion 1* above, it is the unusual perpendicular slope of the lot topography relative to the ROW and lot line direction, the large elevation change from the street end to the property line, and the resultant need to construct the carport and access bridge on elevated pilings, that necessitate a garage with a height greater than allow by Code, as measured to grade. The driveway radius needed for vehicle movement on the access bridge necessitates a 14 foot curb-cut.

The proposed utility deck will provide a level outdoor area on a lot that is 100 percent sloped and 88 percent steep slope. The deck will be below the proposed carport and attached to the carport elevated pilings. It will be approximately 13 feet below street level and hence completely screened from the ROW and adjacent properties.

The requested variance is not a grant of special privilege. The other lots on this street do not have the difficulty of parking access and are not limited to having to build within the front yard because their lots are not predominantly *steep slopes*. In fact, many structures and parking areas are built within today's required front yard because they were constructed prior to the current Code.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

This proposal asks to vary from the front yard, structure height, and curb-cut development standards of the Land Use Code. Some of the urban design goals of these standards are to create open space between the ROW and allowed structures, assure light and air access to the interior of each property, create a low density environment, establish a uniform streetscape, and reduce the impact of automobile access on the pedestrian environment. The granting of this variance would not adversely affect these goals.

The Land Use Code currently makes exceptions for locating garages within front yards when certain steep slope conditions exist. The property's steep slope condition along the ROW meets the intent of this exception. The garage roof elevation will be 1.58 feet above the end of street grade and hence approximately 1.58 feet above the grade of the adjacent lot to the south. The placement of the garage in the front yard will not adversely impact the above mentioned urban design goals.

The exception to the Code allowed height requirements will also not affect these urban design goals. Because of the ROW and property slope, it is not possible to design a driveway access road less than the maximum slope allowed and have the garage close enough to existing grade to be less than the allowed 12 foot height. As proposed, the garage entrance at the driveway is 7.83 feet below the street end grade. The top of the garage is 1.58 feet above the street end grade.

The location of the proposed curb-cut is at the end of a private access bridge extending beyond the end of the street pavement. The ROW beyond the street end is steep slope, ends at the north property boundary of the subject property and is highly unlikely to be developed in the future. The curb-cut will not be visible from the established streetscape to the south nor will it interfere with the pedestrian environment. The additional 4 feet are necessary for the safe maneuvering of vehicles accessing the property.

Based on the above findings, the proposed variance will not be materially detrimental to the public welfare or injurious to the property or improvement in this zone or vicinity.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The existing Code makes provision for certain steep slope lots to have garages of a limited size in otherwise required front yards. This lot's front yard is a steep slope. The requested garage is smaller in area than the allowed size. The literal and strict application of this Code would however not allow the proposed garage due to the Code prescribed method for measuring the slope of the property and the height of a garage structure above grade. The strict application of the curb-cut standards would prohibit a sensitively designed and cost effective driveway access bridge. Without these variances to the Code standards, construction of an on-site garage could require increased disturbance of the steep slopes and exceed development coverage, and, additionally, no longer make it practicable to provide driveway access to the property. These factors in combination with the findings in *Criteria 1, 2, and 3* demonstrate that undue hardship or practical difficulties would result from the literal interpretation and strict application of the applicable Code provisions.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the intent and purpose of the Code is to assure compatibility of uses within a zone and preservation of neighborhood character.

As discussed in *Criteria 1 through 4* above, the proposed garage location and height and access curb-cut will not have adverse impacts or create detriment to the surrounding properties or zone. Their location will allow the development of a lot that was platted before the current Land Use Code regulations with a car port accessory to a single-family structure compatible with the surrounding neighborhood context. As such, the variances requested are consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.

DECISION - VARIANCE

Based on the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances*, are found to exist, therefore:

1. A variance to allow a carport, parking, and utility deck in the required front yard is **Conditionally Approved**.
2. A variance to allow a 14 foot curb cut is **Conditionally Approved**.
3. A variance to allow a Carport in the required front yard to exceed a height of 12 feet above grade is **Conditionally Approved**.

CONDITIONS – VARIANCE

Prior to issuance of any building permit for the above described work and for the life of the project:

1. If the approved non-conformities (variance request items) are proposed for the construction permit application, they must be show as approved in this MUP, and shall not be altered without the approval of the Land Use Planner.

Signature: _____ (signature on file) Date: March 17, 2005
Art Pederson, Land Use Planner

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